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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,292	01/30/2002	Heinrich A. Eberl	P1-02US1	2031

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EXAMINER
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LEWIS, DAVID LEE

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/066,292

Applicant(s)

EBERL ET AL.

Examiner

David L Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/19/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukushima et al. (6346929).**
2. **As in claim 1, Fukushima et al. teaches of** an information system, comprising: an optical signal unit constructed and positioned to capture signals associated with an eye, **figure 2 item 10, column 3 lines 55-67**; a wireless communication unit, **figure 3A item 115, column 2 lines 36-40, column 3 lines 46-49**; and an output unit, interfaced with said wireless communication unit, **figure 2 item 5, column 3 lines 35-55**, constructed and arranged to provide information using a correlation unit constructed to find suitable relationship between said captured signals and additional data, **column 5 lines 27-35, column 9 lines 55-67, column 13 lines 1-33**.
3. **As in claim 2, Fukushima et al. teaches of** further including an information unit constructed to provide said additional data, column 8 lines 30-41, and wherein said correlation unit is constructed to determine a presentation relationship of said captured signals and said additional data, column 8 lines 30-41 **As in claim 3, Fukushima et al. teaches of** wherein said correlation unit is constructed to determine said presentation relationship between said captured signals and said additional data in

terms of location of said additional data with respect of said captured data, column 8 lines 30-41. **As in claim 4, Fukushima et al. teaches of** wherein said correlation unit is constructed to determine said presentation relationship between said captured signals and said additional data in terms of presentation timing of said additional data with respect of said captured data, column 13 lines 1-15. **As in claim 5, Fukushima et al. teaches of** wherein said correlation unit is constructed to determine said presentation relationship between said captured signals and said additional data in terms of relative color display of said additional data with respect of said captured data, column 13 lines 1-15.

4. **As in claim 6, Fukushima et al. teaches of** information system, comprising an optical signal unit constructed and positioned to capture signals reflected back from at least one eye comprising the retina, **figure 2 item 10, figure 12**; a field-of-view capturing unit constructed and arranged to capture light from a field of view associated with said retina without capturing a retinal reflex image thereof, **figure 12 item 130, column 11 lines 1-20**; an information unit, **column 8 lines 30-41**; a wireless communication unit, **figure 3A item 115**; and an output unit constructed to provide information, **figure 2 item 5**, at least partially obtained via said communication unit, in cooperation with said information unit as a function of said captured light and in correlation with said captured signals, **column 8 lines 30-41**.

5. **As in claim 7, Fukushima et al. teaches of** an information system, comprising a optical signal unit constructed and positioned to capture signals reflected back from at least one eye comprising the retina, **figure 2 item 10, and figure 12**, said optical signal unit comprising a scanning detection unit constructed to at least partially capture a retinal reflex image of said retina, **figure 12 item 165**; an information unit, **column 8 lines 30-41**; a wireless communication unit, **figure 3A item 115, column 4 lines 40-45**; and an output unit constructed and arranged to provide information, at least partially

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obtained via said communication unit, **figure 2 item 5**, in cooperation with said information unit as a function of said captured signals, **column 8 lines 30-41**, said output unit being not capable of projecting information onto the retina, **figure 12, column 11 lines 1-20**. Wherein Fukushima et al. teaches of corneal reflection and not retinal.

6. **As in claim 8, Fukushima et al. teaches of** information system, comprising an optical signal unit constructed and positioned to capture signals reflected back from at least one eye comprising the retina, **figure 2 item 10, figure 12**, said optical signal unit comprising a scanning detection unit constructed to at least partially capture a retinal reflex image of said retina during a first scanning operation, **figure 12 item 165**, and carrying out a less comprehensive capture of said retinal reflex image during a later scanning operation, **column 11 lines 1-37**; an information unit, **column 8 lines 30-41**; a wireless communication unit, **figure 3A item 115, column 4 lines 40-45**; and an output unit constructed and arranged to provide information, at least partially obtained via said communication unit, in cooperation with said information unit as a function of said captured signals, **column 8 lines 30-41**, said output unit comprising a scanning projection device constructed to project at least part of said information onto said retina, **figure 12 item 12**.

7. **As in claim 9, Fukushima et al. teaches of** information system, comprising an optical signal unit constructed and positioned to capture signals reflected back from at least one eye without reaching the retina, **figure 2 item 10, figure 12**; an information unit, **column 8 lines 30-41**; a wireless communication unit, **figure 3A item 115, column 4 lines 40-45**; and an output unit constructed and arranged to provide information, at least partially obtained via said communication unit in cooperation with said information unit as a function of said captured signals, **column 8 lines 30-41**, said output unit

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comprising a scanning projection device constructed and arranged to project at least part of said information onto said retina, **figure 12 item 12.**

8. **As in claim 10, Fukushima et al. teaches of** comprising a spherical or spherical-acting reflection layer operably positionable at a location immediately anterior and substantially confocal to said eye, figure 2 item 3r and 3l, and wherein said optical signal unit is constructed to capture optical field-of-vision signals reflected off said spherical or spherical-acting reflection layer, figure 2 item 3r and 3l. **As in claim 11, Fukushima et al. teaches of** comprising a field-of-view capturing unit constructed to capture visible light from a field of view associated with the retina without capturing a retinal reflex image thereof, figure 2 items 3l,3r, column 3 lines 59-61, column 11 lines 1-20; and said output unit being suitable for providing said information in correlation with said captured visible light, column 13 lines 1-15. **As in claim 12, Fukushima et al. teaches of** wherein said function encompasses a pattern recognition that yields at least one information key, column 13 lines 1-15, and said information keys serve for an information query based on said information apparatus, column 13 lines 1-15.

9. **As in claim 13, Fukushima et al. teaches of** information system, comprising a signal input unit constructed and positioned to capture at least two types of signals reflected back from at least one eye, **figure 2 items 3l,3r, column 3 lines 59-61, column 11 lines 1-20**, (wherein the input devices comprises cameras 3 for taking in a scene around the operator in accordance with the operators eyes representing one type of signal reflected back from at least one eye, and the visual axis detection representing a second signal reflected back from the users eye); an information unit, **column 8 lines 30-41 (wherein an external database processes information)**; a wireless communication unit, **figure 3A item 115, column 4 lines 40-45**; and an output unit constructed and arranged to providing information, at least partially obtained and/or provided via said communication unit, in cooperation with said information apparatus as

a function of said captured signals, **column 8 lines 30-41**, said output unit comprising a scanning projection device constructed to project at least part of said information onto the retina of said eye, **figure 12 item 130, column 10 lines 54-67**.

10. **As in claim 14, Fukushima et al. teaches of** comprising a spherical or spherical-acting reflection layer operably positionable at a location immediately anterior and substantially confocal to said eye, figure 2 items 3r,3l, and wherein said signal unit is an optical signal unit constructed to capture optical field-of-vision signals reflected off said spherical or spherical-acting reflection layer, figure 2 items 3r,3l. **As in claim 15, Fukushima et al. teaches of** wherein said signal input unit includes a field-of-view capturing unit constructed to capture visible light from a field of view associated with the retina without capturing a retinal reflex image thereof, figure 2 items 3r,3l; and said output unit being suitable for providing said information in correlation with said captured visible light. **As in claim 16, Fukushima et al. teaches of** wherein said information unit comprises an evaluation module constructed to obtain image information with regard to said field of view from said captured visible light, column 4 lines 35-50, column 13 lines 1-15; and said projection device is constructed to project the image information onto the retina in correlation with said captured signals such that a naturally perceived field of view and projected image information are perceived as a unitary image by the retina, column 12 lines 50-60, column 13 lines 1-15. **As in claim 17, Fukushima et al. teaches of** wherein said function encompasses a temporal correlation between said provision of information and said captured light, column 13 lines 1-15. **As in claim 18, Fukushima et al. teaches of** wherein said function encompasses a spatial correlation between said provision of information and said captured light, column 13 lines 1-15. **As in claim 19, Fukushima et al. teaches of** wherein said function encompasses a pattern recognition that yields at least one information key, column 13 lines 1-15, and said information key serves for an information query based on said information apparatus, column 13 lines 1-15.

11. **As in claim 20, Fukushima et al. teaches of** a method of creating and providing information, comprising the acts of: capturing signals associated with an eye, figure 12 item 165; enabling a wireless communication of data, **figure 3A item 115, column 4 lines 40-45**; and providing information by using said wireless communication and correlating said captured signals and additional data, **column 7 lines 8-15, column 8 lines 30-41**.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **David L. Lewis** whose telephone number is **(703) 306-3026**. The examiner can normally be reached on MT and THF from 8 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached on (703) 305-4938. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for Technology Center 2600 only)




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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

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December 2, 2004



BIPIN SHALWALA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600